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Small arms

Report of the Secretary-General

Summary

Most present-day conflicts are fought primarily with small arms and light weapons. Such weapons are broadly used in inter-State conflict, and are the weapons of choice in civil wars and for terrorism, organized crime and gang warfare. The dividing lines between underdevelopment, instability, fragility, crisis, conflict and war are becoming increasingly blurred; contemporary conflict prevention, conflict resolution and peacebuilding therefore require multidimensional responses.

The present report discusses various aspects of the issue of small arms, with an emphasis on the negative impact that illicit small arms have on security, human rights and social and economic development, in particular in areas of crisis and in post-conflict situations. It analyses global instruments of relevance in stemming the uncontrolled proliferation of small arms, including the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

In addressing the issue of small arms, the report places particular emphasis on:

(a) Encouraging the development of measurable goals for reducing armed violence;

(b) Fostering enhanced cooperation among national authorities;

(c) Enhancing synergies among various bodies involved in the issue, including the Security Council, the General Assembly and the Peacebuilding Commission;

(d) Exploring possibilities for further improving the monitoring of Security Council arms embargoes;

(e) Developing forms of standardization of end-user certificates;

(f) Drawing urgent attention to destruction of surplus ammunition stockpiles and to stockpile management;

(g) Building capacity.

Within the United Nations system, coordination on the issue of small arms will be further strengthened.

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I. Introduction

1. In a statement by its President dated 29 June 2007 (S/PRST/2007/24), the Security Council underlined the need to address the issue of small arms and requested me, on a biennial basis beginning in 2008, to submit to it a report containing my analysis, observations and recommendations on this issue as well as observations on the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All its Aspects. The present report is submitted in response to that request.[1]

II. The issue of small arms

2. Member States remain central providers of security; this is their sovereign right and responsibility, to be performed in conformity with the rule of law. To effectively execute these tasks, their armed forces, police and other security forces legitimately employ a range of weaponry, of which small arms form an important part. Governments also have a responsibility to ensure public safety and a vested interest in providing human security and development to their citizens. Therefore, ensuring that small arms in private ownership do not enter illicit circuits where their use may contribute to instability and to exacerbating poverty must be part of the equation for every Government.

3. Small arms are cheap, light and easy to handle, transport and conceal. While a build-up of small arms alone may not create the conflicts in which they are used, their excessive accumulation and universal availability tends to aggravate conflicts by increasing the lethality and duration of violence and by increasing the sense of insecurity which leads to a greater demand for weapons (E/CN.4/Sub.2/2003/29). Most present-day conflicts are fought mainly with small arms and light weapons. They are broadly used in inter-State conflict and they are the weapons of choice in civil wars and for terrorism, organized crime and gang warfare.[2]

4. The vast majority of direct conflict deaths are attributable to the use of small arms,[3] and as the Security Council is aware, civilian populations — increasingly also children — bear the brunt of armed conflict more than ever. Even in those cases where people have been killed with machetes or other non-ballistic instruments, small arms have been used in the initial round-up of the victims (E/CN.4/Sub.2/2003/29). Similarly, small arms are the dominant tools of criminal violence in ostensibly non-conflict societies, and the rate of firearms-related homicides in post-conflict societies frequently outnumbers battlefield deaths. These weapons can also be linked to the increasing number of violent deaths of United Nations employees and military peacekeepers as well as workers from humanitarian and non-governmental organizations in conflict zones.[4]

5. Small arms facilitate a vast spectrum of human rights violations, including killing and maiming, rape and other forms of sexual violence, enforced disappearance, torture and forced recruitment of children by armed groups or forces.

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[1] The term "small arms" as used in this report typically includes small arms and light weapons.

[2] United Nations Development Programme (UNDP), *Securing Development: UNDP's support for addressing small arms issues*, July 2005.

[3] The Small Arms Survey, *Small Arms Survey 2005*.

[4] World Health Organization (WHO), *World Report on Violence and Health*, 2002.

More human rights abuses are committed with them than with any other weapon (E/CN.4/Sub.2/2003/29). Furthermore, where the use of armed violence becomes an engrained means for resolving individual and group grievances and conflicts, legal and peaceful dispute resolution mechanisms are eroded and the rule of law cannot be upheld.

6. Contemporary armed conflict is the main cause of people fleeing their homes, and is now the most common cause of food insecurity.[5] For countries in the midst of long-term conflict as well as States in crisis or in a post-conflict phase and nations otherwise nominally "at peace", armed violence can aggravate poverty, inhibit access to social services and divert energy and resources away from efforts to improve human development. Countries plagued by armed violence in situations of crime or conflict often perform poorly in terms of the Millennium Development Goals.[6] Moreover, armed conflict and high levels of armed violence form a serious impediment to economic growth.[7] According to the World Bank, nothing so undermines investment climates as armed insecurity.[8]

7. Gender approaches are particularly relevant for targeted policy interventions coupled with prevention and response activities to address small arms victims, survivors and perpetrators, as well as community leaders, peace negotiators and peacekeepers. Women and girls are often gravely affected by small arms violence, through armed sexual violence, intimidation and coercion, or as surviving partners and heads of households. They can also be agents for change, for instance where disarmament, demobilization and reintegration processes are concerned and when engaged in community security initiatives. Overwhelmingly, small arms are used by and against young males. It seems crucial to further understand the interplay between armed personal protection and armed power projection, and to focus on developing sustainable, alternative livelihoods for those coping with disempowerment and despair (see, for instance, S/2008/183).

8. Reliable data sets on the small arms issue can only be built if States provide information on production, holdings, trade, legislation and use.[9] However, of all transparency measures on weapons systems, those on small arms are the least developed. According to the *Small Arms Survey*, "more is known about the number of nuclear warheads, stocks of chemical weapons and transfers of major conventional weapons than about small arms".[10] As a consequence, there are no accurate figures for the number of small arms and light weapons currently in circulation globally. Authoritative sources estimate the total to be at least 875 million. The majority of small arms — generally the only category of weapons not falling under Government monopoly of possession and use — are in private hands.[11]

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[5] Food and Agriculture Organization of the United Nations (FAO), document CFS:2005/2.

[6] UNDP, *Securing Development*, 2005.

[7] International Monetary Fund, "Fiscal consequences of armed conflict and terrorism in low- and middle-income countries", 2004.

[8] World Bank, *World Development Report 2005*.

[9] Human Security Report Project, *Human Security Report 2005*; Stockholm International Peace Research Institute (SIPRI), *Yearbook 2006*.

[10] The Small Arms Survey, *Small Arms Survey 2001*, chap. 3.

[11] The Small Arms Survey, *Small Arms Survey 2007*, chap. 2.

9. Sources of small arms supplies to areas of crisis and conflict are varied. Domestically, small arms can enter illicit circulation through distribution, theft, leakage or divergence, pilferage and resale. These can amount to massive injections of weapons into national circulation, as has been the case in Albania (1997) and Iraq (2003). Shipments of small arms to conflict zones from abroad are most often small-scale consignments — a steady trickle of weapons across porous borders. The cumulative destabilizing force of such small-scale trade is not to be underestimated, particularly in unstable regions where small arms are traded from one conflict to another.

Production

10. The small arms industry appears to be fragmenting, bringing manufacture closer to potential markets. More than 1,000 companies in about 100 countries are involved in some aspect of small arms production, with significant producers in around 30 countries.[12] Although approximations of global production cannot be verified, conservative estimates mention 7.5 million to 8 million small arms per year.[13]

11. Licensed production is now a common feature in most parts of the world, sometimes leaving questions as to where responsibility lies with regard to the export of production techniques.[14] Craft production, carried out in private workshops, is in some regions part of the picture and remains largely outside of control systems.[15]

Marking and tracing

12. If national law enforcement officials were able to trace small arms back to their last legitimate owner, who might then be held accountable, this would constitute an effective measure against the illicit trade in small arms and the diverting of weapons to the illicit market. For that purpose, it is essential that the weapon be marked upon production and import and that appropriate records be kept. Also existing stocks should be marked. Although many weapons are marked when produced and some when imported, international cooperation in marking and tracing of small arms is in its infancy.

Trade and brokering

13. Global patterns of supply of small arms and light weapons have profoundly changed over the past few decades. The vast majority of small arms are sold and transferred legally. However, changing patterns in the small arms trade have complicated controls. In the past, arms markets were relatively easy to survey, with far fewer supply outlets and less intermediate activity. Typically, orders were conducted and consignments delivered by State authorities or Government agents. As outlets have multiplied and commercial markets for small arms have become differentiated, the use of private intermediaries has increased. These actors now routinely arrange transactions for defence industries, armed forces, law enforcement agencies and suppliers to government as well as private entities, operating in a particularly globalized environment and often from multiple locations.

[12] The Small Arms Survey, *Small Arms Survey 2004*, chap. 1.
[13] The Small Arms Survey, *Small Arms Survey 2003*, chap. 1.
[14] The Small Arms Survey, *Small Arms Survey 2007*, chap. 1.
[15] The Small Arms Survey, *Small Arms Survey 2003*, chap. 1.

14. Contemporary traders, agents, brokers, shippers and financiers may well combine some of the above activities, making it difficult at times to clearly distinguish small arms trade from brokering. Unquestionably, intermediaries have a growing part to play in meeting States' security needs. However, States must assure that the shipments handled through these often complex networks are regulated according to the rule of law. Around 80 per cent of Member States have not enacted specific laws or regulations covering brokering within their systems of arms export control, and it is often unclear if those activities are covered under other laws.[16] Now that mediation and related activities have become so prominent in the international arms trade, it is of the highest significance that countries enact effective laws and regulations to govern this wide spectrum of present-day arms brokering.

15. Investigations of arms embargo violations by the monitoring groups of the Security Council have exposed some international networks involved in the illicit trade and brokering of small arms. These brokers and dealers exploit legal loopholes, evade customs and airport controls and falsify documents such as passports, end-user certificates, cargo papers and flight schedules (A/62/163). Illicit activities by certain brokers and traders — and by the Government officials they collude with — have violated every United Nations arms embargo, with small arms and ammunition as the main items transferred.[17] Somalia forms the most dismal illustration: in spite of a 16-year arms embargo, the quantity and diversity of arms available in Somalia are greater than at any time since the early 1990s (S/2007/436).

16. A recurring problem concerning the proliferation of small arms, in particular in zones of crisis and conflict, also noted by Security Council monitoring groups, is the absence of a normative framework for all States to guide decisions regarding arms transfers (S/2003/1070). Regional examples of normative frameworks have proven useful in preventing the transfer of arms to areas of conflict or repressive Governments.

End-use verification

17. End-use certificates are designed to form a key line of defence against the diversion of authorized small arms transfers. These documents, however, are effective only in the context of a broader system that includes a comprehensive consideration of diversion risks at the licensing stage, the verification of end-user documentation and post-shipment controls.[18] Without a standard or agreed format for authenticated end-use certificates, government agencies in transit States have little means of establishing their veracity. This makes interdiction of illicit transfers extremely difficult without prior intelligence.

18. Leading small arms exporting states seem to have in place at the national level the basic components to prevent unauthorized end use. However, exporting States tend not to make information available on whether they systematically verify end-

[16] United Nations Institute for Disarmament Research (UNIDIR), *Developing a Mechanism to Prevent Illicit Brokering in Small Arms and Light Weapons*, 2007.

[17] SIPRI, *United Nations Arms Embargoes*, 2007.

[18] The Small Arms Survey, *Small Arms Survey 2008* (forthcoming), chap. 5.

user documentation in advance of export. Moreover, research indicates that delivery verification is low and small arms end-use monitoring is largely neglected.[19]

Ammunition

19. Information on global ammunition flows is very difficult to obtain. More than 80 per cent of ammunition trade seems to remain outside of reliable export data. However, it forms a key component of the small arms issue. In contexts of sustained use, such as conflict situations, ammunition stockpiles are rapidly depleted, contrasting with the relative longevity of arms.[20] Preventing their resupply in situations conflicting with the rule of law should be a matter of prime concern. What is more, these stockpiles can form a double problem in themselves. Where researched, it has been demonstrated that much of the ammunition circulating among armed non-State actors has been illicitly diverted from State security forces.[21] And warehouses of ammunition, sometimes placed in densely populated areas, have recently exploded in a number of countries, including Afghanistan, Albania, Mozambique and Nigeria, causing thousands of casualties. Therefore, security as well as safety measures with regard to ammunition stockpiles need to be urgently addressed.

Stockpiles

20. Stockpile management and control has emerged as one of the most acute small arms problems. Leaking Government stockpiles are prominent sources of illegal small arms in circulation. In the most extraordinary case, that of Iraq, the loss of control of millions of small arms and light weapons, ammunition and explosives helped to undermine the stability of an entire country.[22] Generally it is far better to destroy surplus and obsolete weapons than to store them (A/CONF.192/15). In post-conflict settings, the immediate destruction of surplus weapons and ammunition removes possible fuel for new instability. What is more, properly securing and maintaining stockpiles requires funding and organizational capacity, which is often scarce in post-conflict settings and which diverts resources from urgently needed recovery and development efforts. Thus, when considering the costs of destruction over the costs associated with safe long-term storage and maintenance, destruction tends to be economically advantageous.[23]

21. The results of collection and destruction programmes are mixed. Often, projects have had only marginal impact on security, presumably because it is typically the obsolete weapons that are destroyed,[24] and because affected communities do not always participate in the design and implementation of collection programmes.[25] Also, disarmament programmes tend to focus on weapons

[19] Ibid.

[20] The Small Arms Survey, *Targeting Ammunition*, 2006.

[21] The Small Arms Survey, *Small Arms Survey 2007*, chap. 9.

[22] The Small Arms Survey, *Small Arms Survey 2004* , chap. 2.

[23] UNIDIR, *Costs of Disarmament: Cost Benefit Analysis of SALW Destruction versus Storage*, 2006.

[24] International Institute for Strategic Studies (IISS), "Small arms and light weapons", *Strategic Comments*, vol. 11, No. 4 (June 2005); The Small Arms Survey, *Small Arms Survey 2005*, chap. 10.

[25] UNIDIR, *Comparative Analysis of Evaluation Methodologies in Weapon Collection Programmes*, 2006.

rather than ammunition.[26] Most importantly, for weapons collection programmes to have a lasting effect, they must be embedded in robust efforts linked to violence reduction, reconciliation, security sector reform and peacebuilding.

22. This section illustrates that weak state regulatory and enforcing capacities as well as social, political and economic forms of inequality are commonly associated with the structural causes of armed violence and conflict. The dividing lines between underdevelopment, instability, fragility, crisis, conflict and war are increasingly blurred; the small arms issue is therefore intertwined with the security, development and human rights preconditions for sustainable peace. Present-day conflict prevention, conflict resolution and peacebuilding require multidimensional interventions. Crucially, Governments must be able to exercise legitimate authority and provide safety, security and development to their citizens. If they do not, their citizens may seek to guarantee their security through alternative forms of self-protection, retributive justice or the resort to armed violence. As long as the human security of affected populations remains unanswered, both in terms of personal and socio-economic security, the negative impact of small arms will continue to exist. That is why many States have started to recognize the importance of control measures for small arms and have agreed to a number of international instruments as a means to control the tools of violence and as a complement to efforts to address the structural causes of armed violence and conflict.

III. International instruments

Firearms Protocol

23. The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/255), offers a regulatory framework to the challenges posed by the proliferation of illicit firearms and ammunition.

24. This "Firearms Protocol" requires States to criminalize offences such as the illicit manufacture and trafficking of firearms and ammunition and the falsification or obliteration of markings on firearms. It requires States to implement control measures on the firearms trade and asks States to consider regulating the activities of brokers. It sets out uniform international standards for the movement of firearms; promotes cooperation and the exchange of information at the national, regional and global levels, including on firearms identification, detection and tracing; and promotes the development of an international system to manage commercial shipments.

25. The Firearms Protocol has not only become a global standard in the area of action against transnational organized crime, but also an instrument which complements and reinforces the implementation of both the Programme of Action and the International Tracing Instrument (see sections immediately below). Presently, it has 52 signatories and 72 parties.

[26] IISS, "Small arms and light weapons", *Strategic Comments*, vol. 11, No. 4 (June 2005).

Programme of Action

26. In 2001, Member States adopted the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.[27] This politically binding instrument laid the foundation for action at the national, regional and global levels and has become a valuable tool for States, international organizations and civil society. It recommended starting negotiations on a separate instrument on tracing illicit small arms, and it paved the way for increased attention of Member States to the issue of illicit small arms brokering. The Programme of Action contains concrete suggestions for improved national legislation and controls and international assistance and cooperation. It calls upon States to address the special needs of children affected by armed conflict.

27. Significant progress has been made in the implementation of the Programme of Action. A number of States have improved their legislation related to stemming the uncontrolled proliferation of small arms at the national level. Also, disarmament, demobilization and reintegration programmes have been developed and implemented. Some States have integrated small arms action plans into national development strategies. But many of the requirements of the instrument for implementation at the national level remain unfulfilled. National reporting under the Programme of Action has been increasing but remains low in some regions.[28] Also, national reports are often unclear on what the challenges are in national implementation, and how they could be overcome. The setting up of procedures for effective operational information exchange with investigative and law enforcement authorities from other States and with the International Criminal Police Organization (INTERPOL) leaves much to be desired.

28. The Programme of Action's suggested measures at the regional level have prompted some promising regional initiatives to curb the illicit trade in small arms, especially from a norm-setting point of view. More efforts are needed to reflect these initiatives in national legislation and procedures. Where resources are made available, regional organizations have been able to make a real difference on the ground; technical support and assistance is often provided by programmes, initiatives and projects of United Nations funds and agencies. These partnerships ensure synergy and the effective use of resources.

29. At the global level, States were unable to agree to substantive outcomes of the biennial meetings of the Programme of Action in 2003 and 2005 and its review conference in 2006.

30. In my analysis, progress in the implementation of the Programme of Action at the national, regional and global levels has been impeded by the following factors:

(a) It is not a legally binding instrument, which could imply lower prioritization than is needed;

(b) Member States tend to view the instrument through a specific lens. Although it stresses "all aspects" of the issue in its title, it does not explicitly address broader dimensions of the issue of small arms, such as the nexus between

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[27] See *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9-20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

[28] UNIDIR, *Five Years of Implementing the United Nations Programme of Action on Small Arms and Light Weapons: Regional Analysis of National Reports*, 2006.

security and development, which was recognized by Member States at the World Summit in 2005. That omission has hindered the smooth inclusion of small arms control issues in national development strategies;

(c) The Programme of Action does not specifically address the uncontrolled proliferation of ammunition. Most Member States see small arms ammunition as being part and parcel of the issue of small arms, as did the 1997 Panel of Governmental Experts on Small Arms (see A/52/298). The Security Council has also associated the problem of ammunition with that of small arms where arms embargoes are concerned. But some Member States see ammunition as falling outside the scope of the Programme of Action;

(d) Apart from a preliminary remark on children, women and the elderly, the Programme of Action does not explicitly recognize the need for gender-specific responses where the issue of small arms is considered;

(e) The instrument lacks measurability and specific numerical targets. Whereas other landmark documents, such as the United Nations Millennium Declaration, are associated with concrete targets and deadlines, the Programme of Action proposes neither benchmarks nor cut-off dates;

(f) It does not provide concrete procedures for operational information exchange among States' investigative or law enforcement authorities;

(g) The instrument does not provide a specific framework to facilitate international assistance and cooperation among States. Hence, States have had difficulty finding cooperative structures and linking needs with resources.

International Tracing Instrument

31. By its decision 60/519, the General Assembly adopted the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument), which includes provisions on marking new production and Government stocks, as well as marking at the time of import. It does not cover the marking or tracing of ammunition. This politically binding document provides a framework for States to file, where relevant, small arms tracing requests with one another. Moreover, it does not exclude that States can respond to tracing requests from peacekeeping missions. The International Tracing Instrument identifies the United Nations and INTERPOL as key partners in cooperating on tracing requests.

32. This instrument can be of high practical value for efforts to counter illicit small arms trade. Its ultimate success, however, depends on its actual implementation, for which a framework for assistance and cooperation again is essential. To this end, the instrument needs to be promoted and its implications must be understood by relevant policymakers and practitioners.

Trade, brokering and end use

33. As requested by the General Assembly in its resolution 61/89, I have established a group of governmental experts to look into the feasibility, scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms, with a view to presenting a report to the Assembly at its sixty-third session.

Such an instrument, while not limited to small arms in its scope, could nonetheless provide important guidelines for the transfers of small arms.

34. In its report to the General Assembly, dated 30 August 2007 (A/62/163), the Group of Governmental Experts to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons reiterated that States should impose appropriate penalties for all illicit brokering activities, as well as arms transfers that violate Security Council embargoes — as the Council itself has underlined (see S/PRST/2002/30). The Group's report contains the first agreed description of what constitutes illicit brokering in small arms. That description is seen as fundamental to any efforts to enhance international cooperation to combat illicit brokering in small arms. It incorporates the option of including extraterritorial activities in legislation, as well as activities closely related to brokering such as transportation and financing. Brokering and trade in small arms are often difficult to distinguish from one another. This complicates the possible development of a separate instrument on brokering. Implementation of the report's recommendations should be dealt with in the framework of the Programme of Action.

35. Although some regional instruments address end-user certification and verification, no global instrument on end-use verification exists.

Ammunition

36. A group of governmental experts established pursuant to General Assembly resolution 61/72 to consider further steps to enhance cooperation with regard to the issue of conventional ammunition stockpiles in surplus, is preparing a report for the sixty-third session of the General Assembly. Given the high number of casualties from explosions in ammunition storage sites around the world, this is a critical subject to further develop policy on. However, I see strong merit in consistent attention to the other pressing aspects of the ammunition problem, such as the illicit trade and the continuing, devastating leakage of non-surplus ammunition stocks.

United Nations Register of Conventional Arms

37. A core element in preventing conflict and securing peace and stability is encouraging predictable, transparent behaviour by all States. To that end, one of the instruments at the disposal of Member States is the United Nations Register of Conventional Arms. It includes data provided by States on international arms transfers as well as information on military holdings, procurement through national production and relevant policies. Its main aim is to form the basis for regional and international confidence-building measures; transparency in armaments can help prevent destabilizing accumulations of arms and be an efficient tool of preventive diplomacy. Since its inception in 1991, a total of 172 States have participated in the Register.

38. The Register has been steadily expanding its scope. Significantly, in 2003 the General Assembly decided that the Register was also open for Member States to report their transfers of small arms. Also, since 2003, man-portable air defence systems — posing particular dangers in the hands of non-State actors — are included as well. Therefore, the Register has become a tool directly relevant for the work that the Security Council and the General Assembly are doing on small arms and light weapons.

Security Council

39. Security Council arms embargoes can serve as powerful tools to address the illicit trade and brokering in small arms and light weapons as well as the destabilizing effect of their circulation. Currently, nine standard United Nations arms embargoes are in force, which include prohibitions against, inter alia, the supply of small arms and light weapons to targeted States, entities and individuals. The arms embargoes are supported by Security Council sanctions committees established to oversee their implementation. The Council regularly reaffirms, recalls or reiterates its demand that States enforce existing arms embargoes, as their implementation continues to pose significant challenges.

40. The monitoring of arms embargoes requires tight control of a country's borders as well as inspection inside the country. However, in many States with arms embargoes, the borders are porous with very little monitoring, including at airstrips and seaports. In addition, effective arms embargo monitoring depends on active information exchange among different actors, including national authorities, peacekeeping missions and international and regional organizations.

41. Over the course of time, the design and monitoring of arms embargoes has improved, owing largely to more robust monitoring by independent monitoring groups and by peacekeeping missions. Currently, six of the nine arms embargo regimes are supported by monitoring mechanisms established by the Security Council to assist the sanctions committees in monitoring and assessing the sanctions implementation and to provide them with technical advice.

42. Two peacekeeping missions — the United Nations Operation in Côte d'Ivoire (UNOCI) and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) — have been mandated by the Council to assist in monitoring the arms embargoes in their respective areas. I am pleased to note that UNOCI, following recommendations of the Group of Experts on Côte d'Ivoire, has created a dedicated arms embargo cell and hired a customs expert. According to the Group, these initiatives have resulted in a tangible improvement in the methodology, quality and number of inspections carried out and in the creation of databases. The Group further welcomed the fact that the concept of effective embargo monitoring was mainstreamed within UNOCI (S/2007/349 and S/2006/964). However, it should also be noted that in its September 2007 report, the Group expressed the view that the monitoring of the implementation of the arms embargo was still not very effective (S/2007/611).

43. The Security Council and its sanctions monitoring groups have sought to enhance the monitoring of exceptions to the arms embargoes in force in the Democratic Republic of the Congo and Liberia. The Council decided by its resolution 1792 (2007) that States should notify the Committee established pursuant to resolution 1521 (2003) of their arms deliveries to Liberia under the exceptions granted by the Committee. The Panel of Experts on Liberia recommended that State suppliers also be requested to inform the Committee of the date, point of entry and equipment contained in each delivery, and that the Committee request the Government of Liberia and the United Nations Mission in Liberia (UNMIL) to systematically inspect such deliveries at their point of entry and provide inspection reports to the Committee (S/2007/689). Furthermore, the Group of Experts on the Democratic Republic of the Congo recommended that the Security Council Committee established pursuant to resolution 1533 (2004) promptly inform the

Group and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) of the notifications it receives from States supplying arms to the Democratic Republic of the Congo under the arms embargo exemptions (S/2008/43), and that the Government of the Democratic Republic of the Congo inform MONUC of such incoming arms shipments. Moreover, the Group called upon brokers to provide the competent authorities with the name of the agents and airlines as well as with the itinerary of the arms transport (S/2007/423).

44. By resolution 1807 (2008), while limiting the scope of the arms embargo to non-governmental actors operating in the territory of the Democratic Republic of the Congo, the Council strengthened this obligation by clarifying the information to be included in such notifications, such as end-user and proposed date of delivery. Furthermore, in partial implementation of the above recommendation of the Group of Experts, the Council requested that the Committee inform the Government and MONUC of the notification it receives from supplier States. I am pleased to note that the Council recognized the importance of increased coordination and information exchange among the actors involved in the monitoring of the arms embargo.

45. Under the terms of Security Council resolution 1596 (2005), the arms embargo regime for the Democratic Republic of the Congo includes "accessory measures", which require Governments in the region to ensure that air transport operations and documentation meet established standards, and also to strengthen customs controls on the borders between Ituri or the Kivus and neighbouring States. The implementation and monitoring of such measures can help to identify any lack of relevant institutional capacities which render the target State vulnerable to arms embargo violations. Lack of sufficient capacities constitutes a key challenge for many States in the effective monitoring and enforcement of arms embargoes.

46. The Security Council and its sanctions monitoring groups have called for concrete initiatives to mark and register arms in order to facilitate the implementation of arms embargoes. The Group of Experts on the Democratic Republic of the Congo has recommended that all arms held or imported by the Democratic Republic of the Congo be separately registered and marked on the basis of a dedicated system supported by the international community (S/2006/525). The Security Council has decided that arms and ammunition obtained by the Government of Liberia through exceptions to the arms embargo shall be duly marked and that a registry of them shall be maintained, and the Panel of Experts on Liberia has recommended that the standards of the International Tracing Instrument be used (S/2007/689). The Group of Experts on Côte d'Ivoire has recommended that Côte d'Ivoire submit a baseline statement of its arms acquisitions and holdings to the United Nations Register of Conventional Arms and to UNOCI (S/2006/204). Similar recommendations to establish baseline inventories of arms have been made by the Panel of Experts on the Sudan.

47. End-user certificates are increasingly recognized as an important element in Security Council arms embargoes. The Panel of Experts on the Sudan, mandated to monitor the sanctions measures on Darfur, recommended to the Council that States supplying arms and military equipment to the Sudan require the Government of the Sudan to provide end-use certification regarding the intended primary location for the use of equipment and supplies (S/2007/584). Other Security Council monitoring

teams have recommended the mandatory authentication, reconciliation and standardization of end-user certificates.

48. In addition to improved design and monitoring, Security Council arms embargoes have also benefited from recent advances in the theory and practice of disarmament, demobilization and reintegration as well as security sector reform. This has increased the potential for employing arms embargoes as part of an effective strategy for post-conflict peacebuilding. The implementation and effectiveness of arms embargoes globally, however, remains uneven.

Peacebuilding Commission

49. As the Council knows, building sustainable peace requires much more than addressing security — it calls for tackling longer-term challenges. This is central to the Peacebuilding Commission's mission of averting a relapse into conflict, but it should equally apply to broader United Nations efforts to stop violence from breaking out in the first place, for instance through the Security Council. The issue of small arms is directly relevant to the work of the Peacebuilding Commission, especially since levels of small arms circulating in post-conflict areas may be higher than before the conflict ended.

50. The Commission has generated trust among Member States and forged a new spirit of partnership in the international community. It will continue developing new peacebuilding tools, such as the long-term political compacts known as strategic frameworks. These strategic frameworks, and other initiatives by the Peacebuilding Commission, could benefit from full coordination with existing instruments such as the Programme of Action and the United Nations Register of Conventional Arms (including their provisions for national reporting) and with the work done in other organizations on curbing the proliferation of illicit small arms.

Other organizations

51. INTERPOL has developed its "I-24/7" global police communications system, which provide law enforcement authorities in its member countries with instant access to the organization's databases. It also enables national authorities to access each others' national databases through designated officials, while always remaining in control of their own national criminal data. Queries of these databases by national police may bring to light linkages to other criminal records, for instance records related to international organized crime, terrorism and money-laundering, which could help in combating the illicit trade and brokering in small arms.

52. National authorities in member countries can extend access to the I-24/7 system to authorized entities such as border control units or customs officials. To date, approximately a third of the 186 INTERPOL member countries have chosen to extend this system to their respective field offices. From a regulatory point of view, expanding the number of countries who have deployed the I-24/7 system to field offices would be an important improvement.

53. INTERPOL is also setting up the INTERPOL Weapons Electronic Tracing System to help national law enforcement agencies track illicit movements and uses of firearms.

54. The INTERPOL-United Nations Security Council Special Notice was created in 2005 in response to Security Council resolution 1617 (2005). By that resolution

the Council called upon the Secretary-General to work with INTERPOL to provide better tools to help the Committee established pursuant to resolution 1267 (1999) carry out its mandate regarding the freezing of assets, travel bans and arms embargos aimed at individuals and entities associated with Al-Qaida and the Taliban.

55. In 2002, the World Customs Organization (WCO) recommended that States and customs authorities "consider designating specific offices/sites for the processing of legitimate firearms shipments in order to enhance control over their trans-border movement" and "promote the conclusion of Memoranda of Understanding between customs and legitimate traders, such as manufacturers, dealers, importers, exporters, brokers and commercial carriers of firearms to strengthen controls and to increase accountability".[29]

56. Furthermore, WCO has set up a comprehensive approach to customs capacity-building with its programme to assist member countries with implementation of the WCO Framework of Standards to Secure and Facilitate Global Trade and with broad modernization. This programme will be important for enhancing the capacity of relevant national authorities to prevent, combat and eradicate illicit trade and brokering in small arms.

57. In addition, the International Civil Aviation Organization and the International Maritime Organization, as well as non-governmental industry associations such as the International Air Transport Association, have set out and regularly updated standards for the conduct of their members and for the transport of dangerous cargoes, including consignments of ammunition and explosives. The enforcement of such standards may be important for the prevention and suppression of illicit trade and brokering in small arms (A/62/163).

58. Lastly, I am encouraged by the budding process which a growing number of Member States have joined by associating themselves with the 2006 Geneva Declaration on Armed Violence and Development (see www.genevadeclaration.org), in particular because of its focus on the interconnection between small arms, armed violence and development. The Declaration commits participating States to support programmes on reducing armed violence with a development and human rights perspective. This initiative, open to all Member States, aims to promote measurable reductions in armed violence worldwide as well as tangible improvements in human security by 2015. By doing so, it introduces the concept of working towards quantifiable results on the nexus of small arms and development.

IV. Observations and recommendations

59. Within the United Nations, coordination on the issue of small arms could benefit from further improvement. I have identified reviving the Coordinating Action on Small Arms as one of the priorities in the field of disarmament for 2008. An electronic database for coordinating small arms programming, which establishes a clearing-house function for actions on the issue of small arms both for the United

[29] See recommendations of the WCO International Cooperation Council regarding the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, 29 June 2002.

Nations system, Member States and other stakeholders, is to become operational at the forthcoming biennial meeting of States on the Programme of Action. Moreover, the Coordinating Action on Small Arms has decided to embark upon developing international standards for small arms control, not unlike the standards that have been created on mine action and on disarmament, demobilization and reintegration. Also, the United Nations will pay specific attention to encouraging qualitative and quantitative improvements in national reporting.

60. It is particularly important to develop practical exchanges between the Security Council and the General Assembly on stemming the illicit flows of arms and ammunition to areas of crisis and conflict. I consider it promising that the Security Council has requested a biennial report on the issue of small arms on a recurring basis following the same two-year cycle as the meetings under the Programme of Action, and I will encourage further synergies between the two forums. One of the issues needing structural attention is how further to encourage States to adequately exchange operational information among their respective law enforcement or investigative authorities regarding the illicit trade in small arms.

61. The expanded United Nations Register of Conventional Arms, which has opened the possibility to report on man-portable air defence systems and on small arms, could be instrumental for the Security Council and the Peacebuilding Commission as well as for efforts undertaken in the framework of the Programme of Action.

Recommendation 1

States should enhance their efforts to collect, maintain and share data on small arms. States in a position to do so should increase their support for research on the distribution and impact of small arms, including assessment of the key variables of age and sex, in order to inform the content and focus of policies and strategies to address the problem.

62. The limited progress in stemming the illicit trade in small arms in all its aspects is partly due to a structural lack of data as well as a lack of coordination and capacity. Without more transparency on the part of Governments, in particular in the field of trade in small arms and ammunition, it is difficult to assess where gaps exist in the national, regional and global implementation of international instruments. Also, although non-governmental organizations and academia have been giving growing attention to this field — often doing work of high quality — I would encourage more research on the issue of small arms, including a more consistent emphasis on the specific value of sex- and age-disaggregated data and the nature and scope of the impact of small arms violence.

Recommendation 2

Key quantitative indicators for the area of small arms should be developed and used as a base against which to set measurable goals.

63. One of the most important steps that need to be taken on the issue of small arms is the development of measurability. The concept of generating baseline inventories by organizing a small arms survey at the initial stage of project development is beginning to be well-established and has proven effective in project development and evaluation. Without these baseline assessments and agreed targets,

it is difficult to frame the scope and dimension of the problem, develop effective projects and monitor progress. In this regard, I am encouraged by the objective to this end incorporated in the Geneva Declaration on Armed Violence and Development, which is open to all States. In my view, developing measurable goals on armed violence towards 2015 will offer the opportunity to integrate security-related themes into the possible follow-up of the Millennium Development Goals.

Recommendation 3

Efforts by States and regional and international organizations to curb the uncontrolled proliferation of small arms should be based on the shared acknowledgement that security, development and human rights are interconnected. Integrated responses by States require, where relevant, the integration of national small arms action plans into peacebuilding efforts, broader poverty reduction strategies and human security frameworks.

64. The issue of small arms cannot be addressed with arms control measures only. It is an integral part of a wider spectrum, in which conflict, security, armed violence, crime, trade, human rights, health and development intersect. In areas of crisis and in post-conflict situations, solutions to excessive circulation of small arms need to focus — apart from basic reduction and control measures — on alternative, sustainable livelihoods while taking the factors of gender and age into account. Peacebuilding efforts need always to include the element of small arms. The same holds true, where relevant, for broader national development plans.

Recommendation 4

The Security Council may wish to encourage a strengthened practical cooperation among relevant sanctions monitoring groups of the Security Council, peacekeeping missions, Member States and their investigative authorities as well as relevant regional and international organizations.

65. Sanctions monitoring groups established by the Security Council often face practical challenges, such as a lack of capacity to electronically process and analyse their findings and relating those findings to data collected by monitoring groups under other sanctions committees. Additionally, cooperation between Member States and these monitoring groups is often inadequate. The background documentation accumulated by the monitoring groups is not systematically shared with the investigative authorities of Member States that express an interest in pursuing national prosecution. Also, it would be helpful if the reports and documentation accumulated by the groups were shared with international organizations, such as INTERPOL, for the purposes of identifying trends, criminality, and the modus operandi of illicit arms traffickers, which may be of use to the investigative authorities of Member States.

66. It also appears that there is a need to correlate efforts between sanctions committees and INTERPOL. The Special Notice developed by INTERPOL and the Committee established pursuant to resolution 1267 (1999) in response to Security Council resolution 1617 (2005) is a solid basis for exploring further practical cooperation between the two organizations on other arms embargoes. Building on that positive experience, the Council adopted resolution 1699 (2006) in August 2006, which enables all other sanctions committees to request assistance from INTERPOL and to benefit from its tools on the basis of individual agreements.

Recommendation 5

Peacekeeping missions mandated to monitor arms embargoes should increasingly seek to assign this task to a dedicated unit equipped with the capacity to carry it out comprehensively.

67. The recent inclusion of United Nations arms embargoes monitoring functions in the mandates of United Nations peacekeeping missions opens the question of how the responsibility for this mandate should be organized within the mission. Appointing dedicated staff within the missions, which was done in the case of UNOCI, instead of having all mission personnel share this responsibility, seems to improve the effectiveness of these monitoring functions. Also, such operations could be more effective if efforts were made to enhance their capacity and authority to carry out inspections at sensitive airports, seaports and road links and to coordinate their findings with the relevant Security Council sanctions monitoring groups so as to report adequately and in a timely fashion to the Council's sanctions committees.

Recommendation 6

The Security Council may wish to further strengthen synergies between a United Nations arms embargo and possible disarmament, demobilization and reintegration efforts.

68. The effectiveness of arms embargoes is initially dependent upon the removal of excess small arms from internal circulation within the embargoed State. This is only one of many reasons why disarmament, demobilization and reintegration programmes and other micro-disarmament initiatives are vital in States emerging from conflict. The Group of Experts on Côte d'Ivoire noted that these programmes would effectively limit possible obstacles to the ongoing peace process and would help to create a more favourable security climate (S/2007/611). The Group of Experts on the Democratic Republic of the Congo noted that internal circulation of military equipment remains problematic and recommended that the Security Council request the Government of the Democratic Republic of the Congo and its international cooperation partners to reactivate an effective process of disarmament, demobilization and reintegration of members of illegal armed groups (S/2008/43). Making use of United Nations radio stations in field operations could be of particular importance for the dissemination of information on disarmament, demobilization and reintegration programmes.

Recommendation 7

Where a United Nations arms embargo coincides with disarmament, demobilization and reintegration efforts, the Security Council may wish to consider requesting the establishment of a baseline arms inventory as well as arms marking and registration systems.

69. A better understanding of the arms and related material that exist within an embargoed State or territory, achieved by establishing a baseline inventory of arms together with a system of marking those arms, can serve to enhance several processes related to arms embargoes. These include monitoring, security sector reform and disarmament, demobilization and reintegration. The Council may wish to review the Liberia sanctions regime model carefully in order to assess the applicability of some of its provisions, such as the marking and registering of arms

received under exceptions granted by the Committee, and mandating the relevant peacekeeping mission to regularly inspect those weapons. The expert monitoring groups have provided a number of recommendations in this connection to assist in any review process.

Recommendation 8

Member States and peacekeeping missions should, where relevant, be encouraged to use the new International Tracing Instrument and the INTERPOL global police communications system.

70. Through regional workshops focusing on practical cooperation in tracing small arms, the United Nations is encouraging States to make use, where relevant, of the new International Tracing Instrument. It is important for the Council to recognize that peacekeeping missions are not barred from filing such tracing requests. This possibility could be incorporated in their mandates, and Member States should be encouraged to cooperate in this regard.

71. In their tracing efforts, Member States should be called upon to use, as required, the INTERPOL "I-24/7" global police communications system and the INTERPOL Weapons Electronic Tracing System. Peacekeeping missions could do so as well.

Recommendation 9

Destruction of surplus ammunition stockpiles should be a priority for relevant peacekeeping missions and Governments. The management of arms and ammunition stockpiles requires a level of regulatory capacity which will often need urgent attention in developing peacebuilding efforts.

72. Citizens in a number of countries live in peril because of poorly guarded and poorly maintained small arms ammunition storage sites. In particular in countries coming out of conflict, it is vital that destruction of surplus ammunition stockpiles be addressed as a matter of urgency. Safeguarding ammunition warehouses should therefore not only be treated as a priority for peacekeeping missions, but should also be considered as a part of initial peacebuilding efforts. Often, measures aimed at establishing comprehensive and effective administrative and technical procedures will be needed to embed stockpile security in wider regulatory capacity. Safe and secure small arms stockpile management can be seen as a litmus test of a government's capability to function as a responsible guarantor of peace, security and development for its citizens.

Recommendation 10

Where relevant, the Security Council may wish to consider applying more regularly its practice of linking arms embargo exceptions with security sector reform.

73. Currently, the Liberia sanctions regime offers security sector reform as a condition for lifting the arms embargo. The sanctions regime of the Democratic Republic of the Congo also refers to security sector reform in connection with possible exceptions to the arms embargo, but without a direct link between the achievement of such reform and the lifting of the embargo. Where appropriate, a stronger linkage between security sector reform and lifting an arms embargo may

provide an effective incentive for the success of such reform. This is also important from the point of view of preventing a recurrence of conflict in fragile post-conflict situations.

Recommendation 11

The Security Council may wish to consider encouraging States to significantly enhance their efforts to verify end-user certificates. They should develop an international framework for authentication, reconciliation and standardization of end-user certificates.

74. Systematic end-use verification is on paper an effective tool against the diversion of small arms. In practice, re-routed shipments of small arms continue to fuel conflicts around the world while pre-verification and end-use monitoring of legal transactions seems to remain uneven. The recent strong improvement in end-use verification and monitoring of man-portable air defence systems confirms that with political commitment effective systems for end-use verification are feasible. The lack of a framework for international cooperation on small arms end-use verification seems an impediment to consistent international action in this field.

Recommendation 12

The Peacebuilding Commission, the Office for Disarmament Affairs and the Special Representative of the Secretary-General for Children and Armed Conflict should increase cooperation on the nexus of children and small arms.

Recommendation 13

Parties in a position to do so should provide comprehensive assistance to States requesting such support.

75. Instruments such as the Programme of Action assume that States have the capacity to undertake comprehensive measures pertaining to the illicit trade in small arms. But often this is not the case, especially where there is little State legitimacy or where capacity is eroded by conflict, corruption and weak rule of law. Without comprehensive commitments from States in a position to provide technical and financial assistance, many of the above recommendations will prove impossible to fulfil.